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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re application of :</p> <p>S.BRAHMACHARI et al.</p> <p>Application No. 09/707,919 Confirmation No. 9079</p> <p>Filed: November 8, 2000</p> <p>For: METHOD OF DETECTION OF ALLELIC VARIANTS OF SCA 2 GENE</p>	<p>Art Unit: 1634</p> <p>Examiner : Jeannie Anne GOLDBERG</p> <p>Atty.Docket No. 39562-175772</p> <p>Customer No. 26694 PATENT TRADEMARK OFFICE</p>
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DECLARATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Samir Kumar Brahmachari, age 51 years residing at DG's Bungalow, CV Raman Marg, CRRI Campus, Maharani Bagh, New Delhi, India, do hereby declare and state as under:

1. I am a Scientist and the Director of Institute of Genomics and Integrative Biology (formerly Centre of Biochemical technology), Mall road, Delhi, India. I graduated in the years 1971 – 72 from Calcutta University, West Bengal, India. I completed my Masters degree in the years 1973 – 74 from Calcutta University located at Calcutta. Subsequently I earned the doctoral degree in 1978 from Indian Institute of Science, Bangalore, India.



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2. I am one of the named inventors on the above-referenced application ,and I am familiar with the contents of the application and claims and with the prosecution subsequent to its filing.along with Shweta Choudhry, I am also a listed author of the sequences identified as rs695871 and rs695872 in the SNP database, NCBI, released on August 2, 2000.
3. I am familiar with the office action of September 10, 2002 in Patent Application No. 09/717,919. In the Office Action, claim 13 was rejected Under 35 U.S.C. & 102(a) as allegedly being anticipated by the above listed publication. In addition, claim 12 was rejected under 35 USC & 103 as being obvious over the SNP database in view of Ahern(The Scientist, Vol 9, No.15, Page 20, July 1995).
4. Shweta Choudhry, Mitali Mukerji, Satish Jain and I are the first and sole Inventors of the subject matter disclosed and claimed in the U.S.Patent Application Serial No.09/717,919, for which the sequences in part are Disclosed in SNP database. Co-inventors Mukerji and Jain were not listed in the SNP database because their role has mainly been in the association study of SNPs with Spino Cerebellar Ataxia 2 (SCA 2) which is the main subject matter of the invention.
5. Thus, the subject matter of claim 13 of U.S. Patent Application Serial No.09/717,919 is not the invention "by another" under 35 U.S.C.& 102(a) in regard to the present application and the subject matter of claim 12 is not obvious in view of the combination of the SNP database and Ahern.
6. I further declare that all statements made herein of my knowledge are True and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above referenced application or any patent issuing thereon.

Date: 28 Jan 2003

By: _____

